

# **TITLE 327 WATER POLLUTION CONTROL BOARD**

## **Secondary Containment of Hazardous Materials**

### **LSA Document #97-330**

(Final Adopted May 13, 1998)

SECTION 1.327 IAC 2-10 IS ADDED TO READ AS FOLLOWS:

#### **327 IAC 2-10-1 Purpose**

**Authority:** IC 13-18-5

**Affected:** IC 13-11-2

**Sec. 1.** (a) This rule provides the requirements for secondary containment structures and spill response plans for the purpose of preventing released hazardous materials from entering surface water or ground water at facilities storing liquid hazardous materials in an above ground storage tank or storage area, or operating a transfer area.

(b) The intent of this rule is to provide for short term containment of discharges.

(c) This rule does not reduce or replace the secondary containment requirements found in other regulations or laws.

*(Water Pollution Control Board; 327 IAC 2-10-1)*

#### **327 IAC 2-10-2 Applicability**

**Authority:** IC 13-18-5

**Affected:** IC 13-11-2

**Sec. 2.** (a) The secondary containment requirements of this rule apply to owners or operators of a facility storing liquid hazardous materials in an above ground storage tank or storage area, or operating a transfer area for liquid hazardous materials as defined herein, if the above ground tank, storage area, or transfer area is constructed after the effective date of this rule and includes:

- (1) construction planned after the effective date of this rule; or
- (2) construction planned before the effective date of this rule only when physical construction did not begin within ninety (90) days after the effective date of this rule.

(b) An existing above ground tank, storage area, or transfer area must be brought into compliance with this rule when replaced or relocated.

(c) The spill response plan requirements of this rule apply to owners or operators of a facility storing liquid hazardous materials in an above ground storage tank or storage area, or operating a transfer area for liquid hazardous materials as defined herein.

*(Water Pollution Control Board; 327 IAC 2-10-2)*

#### **327 IAC 2-10-3 Exclusions**

**Authority:** IC 13-18-5

**Affected:** IC 13-23; IC 13-24

**Sec. 3. (a) The requirements of this rule do not apply to:**

- (1) An above ground storage tank, storage areas, or transfer areas for agricultural chemicals regulated by the Office of the Indiana state chemist under 355 IAC 2 and 355 IAC 5.**
- (2) An above ground storage tank, storage areas, or transfer areas regulated by the Indiana fire prevention and building safety commission pursuant to 675 IAC 22-2.1-1.**
- (3) An above ground storage tank or storage areas containing liquids which are solids or gases above sixty degrees (60E) Fahrenheit and at atmospheric pressure.**
- (4) An above ground storage system or petroleum facility and other structures, equipment, and appurtenances thereto, used or capable of being used to store or transfer oil as defined in and regulated by 40 CFR 112 or petroleum as defined in IC 13-11-2-160.**
- (5) Underground storage tanks as defined in IC 13-11-2-241.**
- (6) Hazardous materials that are stored or transferred as products packaged for distribution to, and used by, the public.**
- (7) Above ground storage tanks, storage areas, and transfer areas containing hazardous waste regulated under 329 IAC 3.1 and 42 USC 6991 through 6991 (I) as amended.**
- (8) Machinery and equipment containing integral operating fluids, provided that these fluids are necessary for the proper operation of the equipment.**
- (9) Process tanks.**
- (10) Piping, with the exception of any segment of piping extending from an above ground storage tank to the point of the first fitting.**
- (11) Above ground storage tanks that are:**
  - (A) less than six hundred sixty (660) gallons and are not in a delineated wellhead protection area as approved by the department under 327 IAC 8-4.1, or;**
  - (B) less than two hundred seventy five (275) gallons if at a facility that has been notified in writing by a water utility that it is located in a delineated public water supply wellhead protection area as approved by the department under 327 IAC 8-4.1.**
- (12) Storage area in which the drums and portable containers are considered empty of liquid hazardous materials if the standards set forth in 40 CFR 261.7 are met.**

**(b) Above ground storage tanks, storage areas and transfer areas constructed on or before the effective date of this rule are not subject to the requirements of sections 5, 6 and 7, except as provided in section 2.**

*(Water Pollution Control Board; 327 IAC 2-10-3)*

#### **327 IAC 2-10-4 Definitions**

**Authority: IC 13-18-5**

**Affected: IC 13-11-2**

**Sec. 4. In addition to the definitions found in IC 13-11-2-17(d), IC 13-11-2-35(a), IC 13-11-2-51, IC 13-11-2-158(a), IC 13-11-2-161, IC 13-11-2-260, and IC 13-11-2-265, for the**

**purposes of this rule, the following terms are defined as follows:**

- (1) "Above ground storage tank" means a stationary device designed to structurally support, enclose, and contain an accumulation of liquid hazardous materials on or above the surface of the ground, and which is constructed of non-earthen materials, such as concrete, metal, or plastic.**
- (2) "Discharge" means the leaking, leaching, escaping, or disposing from an above ground storage tank, storage area or transfer area into secondary containment.**
- (3) "Drum" means a non-stationary container that holds between ten (10) and one hundred (100) gallons of a liquid hazardous material.**
- (4) "Facility" means any land, building, equipment, structure, and other stationary item that is located on a single site or on contiguous sites and that is owned or operated by the same person or by any person who controls, is controlled by, or is under common control with, such person.**
- (5) "Hazardous material" means the following:**
  - (A) A hazardous substance as defined in 40 CFR 302.**
  - (B) A substance that is on the list of extremely hazardous substances published by the administrator of the U. S. Environmental Protection Agency under 40 CFR 355.**
  - (C) A hazardous chemical, hazardous waste or other substance that is identified by the water pollution control board through the rulemaking process as potentially harmful to waters of the state if released from a facility.**
  - (D) A mixture that contains at least one (1) of the substances identified above in a quantity greater than or equal to ten percent (10%) by volume.**
- (6) "Liquid" means a non-gaseous state of matter that, at sixty degrees (60E) Fahrenheit and atmospheric pressure, will take the shape of its container immediately upon being placed in such container.**
- (7) "Operator" means a person who is responsible for overall operation of a facility, including a private contractor conducting operational activities at a facility.**
- (8) "Owner" means a person who holds title to, controls, or owns an interest in a facility with an above ground storage tank, storage area or transfer area. "Owner" does not include a unit of federal, state or local government that has acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment or other circumstances in which the governmental unit involuntarily acquired title because of the unit's function as sovereign, except if the unit causes or contributes to the release or threatened release of a hazardous material.**
- (9) "Portable tank" means a non-stationary container that holds one hundred (100) gallons to one thousand (1000) gallons of a liquid hazardous material.**
- (10) "Process tank" means a vessel or other container used for the mixing or batching of chemicals, feeds, wastewater, or other components, or for the preparation of one (1) or more components, leading to the production of a desired product. The term includes all attached piping and other fixtures necessary for the intended operation of the vessel or container.**
- (11) "Secondary containment" means a structure, part of a structure, or system that prevents or impedes a spill of a hazardous material from entering waters of the state.**
- (12) "Spill" means any unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impermeable surfaces when the substance does not**

migrate off the surface or penetrate the surface and enter the soil.

(13) "Stationary" means designed and constructed to be:

- (A) immobile;
- (B) with fixed piping;
- (C) permanently attached to a surface; or
- (D) not designed to be moved when filled.

(14) "Storage area" means any discrete area at a facility in which

- (A) drums holding, in aggregate, one thousand (1000) gallons or more; or
- (B) portable tanks holding, in aggregate, two thousand (2000) gallons or more, of liquid hazardous materials which are stored within twenty-five (25) feet of each other for more than fifteen (15) days.

(15) "Transfer area" means a dedicated outside loading or unloading area used for more than fifteen (15) days in a calendar year for the transfer of liquid hazardous materials between a railcar or semitrailer tanker and an above ground storage tank.

*(Water Pollution Control Board; 327 IAC 2-10-4)*

### **327 IAC 2-10-5 Storage inside a building**

**Authority:** IC 13-18-5

**Affected:** IC 13-11-2

**Sec. 5.** Above ground storage tanks or storage areas containing hazardous materials that are located inside a building must have a floor compatible with the material being stored and a system to prevent or impede a spill from entering waters of the state.

*(Water Pollution Control Board; 327 IAC 2-10-5)*

### **327 IAC 2-10-6 Storage outside a building**

**Authority:** IC 13-18-5

**Affected:** IC 13-11-2

**Sec. 6. (a)** Above ground storage tanks or storage areas containing hazardous materials that are located outside a building must have secondary containment.

(b) Secondary containment must be designed and constructed consistent with current engineering standards with materials that are compatible with the hazardous materials being stored and which will prevent a release from entering waters of the state for a seventy two (72) hour period. The design requirements of secondary containment must be met in one (1) of the following ways:

- (1) A secondary containment area with dikes, berms, retaining walls or trenches, and a floor that must cover the entire area within the dikes, berms, retaining walls or trenches.
- (2) A tank designed and built with an outer shell and an interstitial space between the tank wall and the outer shell that allows for monitoring.
- (3) Diversionary systems that direct the discharges to treatment or temporary holding areas.
- (4) Other methods approved by the commissioner that have been demonstrated to be equally protective of human health and the environment.

(c) A secondary containment area must have a volume, considering displacement, to

contain at least one hundred ten percent (110%) of the volume of the largest above ground tank, or portable tank in the secondary containment area, or the volume of the largest above ground tank, or portable tank plus enough freeboard to contain precipitation generated by a twenty-five (25) year/twenty-four (24) hour rain event. A tank designed and built with an outer shell for secondary containment is an acceptable alternative. At a minimum, secondary containment for storage areas holding only drums must be capable of holding or diverting one hundred twenty (120) gallons.

(d) A secondary containment area must be properly maintained to protect the integrity and capacity of the secondary containment.

(e) Liquid that collects within the secondary containment area must be removed within seventy two (72) hours of its discovery in order to maintain the available capacity of the secondary containment area at one hundred percent (100%) of the largest above ground tank, or portable tank in the secondary containment area. Ice must be removed as soon as weather permits. Liquid that collects within the secondary containment area must meet all applicable requirements if discharged to waters of the state.

*(Water Pollution Control Board; 327 IAC 2-10-6)*

#### **327 IAC 2-10-7 Hazardous materials transfer area**

**Authority: IC 13-18-5**

**Affected: IC 13-11-2**

**Sec. 7. (a) A hazardous materials transfer area must be designed and constructed consistent with current engineering standards with materials that are compatible with the hazardous materials being stored, and that will prevent a release from entering waters of the state for a seventy two (72) hour period during loading and unloading of a tank as follows:**

**(1) A hazardous materials transfer area must:**

**(A) contain a minimum of the volume of the hazardous material that could be pumped during one (1) minute of transfer operation; or**

**(B) direct the minimum volume of the hazardous material that could be pumped during one (1) minute of transfer operation to a diversionary system that treats or temporarily stores the hazardous material.**

**(b) The hazardous materials transfer area must be properly maintained to protect the integrity and capacity of the transfer area.**

**(c) Liquid that collects within the hazardous materials transfer area must be removed within seventy two (72) hours of its discovery in order to maintain the available capacity of the secondary containment area at 100%. Ice must be removed as soon as weather permits. Liquid that collects within the hazardous materials transfer area must meet all applicable requirements if discharged to waters of the state.**

*(Water Pollution Control Board; 327 IAC 2-10-7)*

#### **327 IAC 2-10-8 Spill response plan**

**Authority: IC 13-18-5**

**Affected: IC 13-11-2**

**Sec. 8. (a) The owner or operator of each facility with an above ground storage tank, storage area or transfer area subject to this rule must be prepared to prevent and control pollution that could result from an above ground storage tank, storage area or transfer area discharge or spill.**

**(b) Within twelve (12) months of the effective date of this rule, the owner or operator of each facility with an above ground storage tank, storage area or transfer area subject to this rule shall prepare a response plan for the facility. The response plan must be available for inspection at the facility and if requested in writing by the department, submitted to the Department of Environmental Management, Office of Environmental Response, P.O. Box 6015, Indianapolis, IN, 46206-6015. The response plan must provide, at a minimum, the following information:**

**(1) The name and telephone number of the contact person responsible for the facility.**

**(2) A description of the procedures that will be taken to provide an immediate response to a discharge or spill, including the identification of facility response personnel who will implement a response action.**

**(3) The identification of facility personnel or outside contractor who are capable of cleaning up the discharge or spill.**

**(4) A method for determining the location of storm sewers that reasonably may be expected to be affected by a spill.**

**(5) The telephone numbers of the following:**

**(A) The facility emergency response personnel or outside contractor.**

**(B) The local fire department.**

**(C) The Indiana department of environmental management at 1-888-233-7745 (in-state, toll free) or 317-233-7745.**

**(D) The community emergency coordinator designated by the local emergency planning committee.**

**(E) The National Response Center at 1-800-424-8802.**

**(c) The response plan may be a part of an existing contingency, emergency response plan or other spill plan for the facility provided that all elements in subsection (b) are included in the plan.**

**(d) The owner or operator shall review and update as necessary the information required in this section at least once every three (3) years or within sixty (60) days of a significant change in the information to be contained in the plan, whichever date occurs first.**  
*(Water Pollution Control Board; 327 IAC 2-10-8)*